

SUBMISSION WITHOUT ORAL ARGUMENT

Case No. 23-5044

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

IN RE: SEALED CASE,

Appeal from the United States District Court for the District of Columbia,
No. 1:23-sc-00031
Hon. Judge Howell

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR FILING OF
BRIEFS AMICUS CURIAE IN SUPPORT OF THE PETITION FOR
REHEARING EN BANC**

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September 5, 2023

CORPORATE DISCLOSURE STATEMENT

Pursuant to D.C. Circuit Rule 26.1 and Federal Rule of Appellate Procedure 26.1, proposed amicus submits the following corporate disclosure statement: The Electronic Frontier Foundation is a donor-funded, nonprofit civil liberties organization, has no parent corporation, and does not issue stock.

September 5, 2023

/s/ David Greene

David Greene

*Attorneys for Amicus Curiae
Electronic Frontier Foundation*

Pursuant to Federal Rule of Appellate Procedure 26(b) and D.C. Circuit Rules 29 and 35(f), the Electronic Frontier Foundation requests an extension of time for proposed amici curiae to seek invitation from the Court to participate in this case until seven days after the petition for rehearing en banc is unsealed. Appellant and Appellee have indicated they do not oppose this motion.

The Electronic Frontier Foundation is a member-supported nonprofit organization devoted to protecting civil liberties and free expression in law, technology, and policy. It intends to seek an invitation from the Court to participate as amicus in support of the petition for rehearing en banc.

Appellant X Corp. filed its petition for rehearing en banc under seal on September 1, 2023. Under Federal Rule of Appellate Procedure 26(a)(6) and Circuit Rule 29(b), any amicus brief in support of the petition must be filed by September 8, 2023. However, because the petition remains under seal, amici will not be able to apprise themselves of the arguments in it. An extension of the deadline for any amicus briefs invited by the Court until seven days after the petition is unsealed would aid proposed amici in ensuring their briefs are helpful to the Court and not duplicative of the petitioner's arguments. *See, e.g., Prairie Rivers Network v. Dynegy Midwest Generation, LLC*, 976 F.3d 761, 763 (7th Cir. 2020) (accepting amicus briefs that “add value” to court’s “evaluation of the issues presented on appeal”).

Accordingly, the Electronic Frontier Foundation respectfully requests the Court extend the deadline for filing of amicus briefs in support of the petition for rehearing en banc until seven days after the unsealing of the petition.

September 5, 2023

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

By: /s/ David Greene
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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2023 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ David Greene

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